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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/208,696	12/10/1998	YASUYUKI SEKINE	RM.HPK	8464
23548 7590 02/24/2009 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960				
EXAMINER				
COLLINS, DOLORES R				
ART UNIT		PAPER NUMBER		
3711				
MAIL DATE		DELIVERY MODE		
02/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YASUYUKI SEKINE

Application No. 09/208,696
Technology Center: 3700

Mailed: February 24, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 18, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER, ENGLISH TRANSLATIONS

An examination of the Image File Wrapper (IFW) reveals that an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER was mailed December 28, 2007, which requested a certified English translation for the Japanese patent (JP 5-68733) (Ugawa) issued March 1993. The examiner seems to be relying on a Machine Translation. As stated in the return dated December 28, 2007, the BPAI does not accept Machine-Assisted Translations

The following certified English translations for Japanese Patent (JP 5-68733) listed under the Evidence Relied Upon section of the Examiner's Answer filed on January 16, is missing from the IFW file. Appropriate correction is required.

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Further review of the file, indicates that the appellant filed a communication entitled "LETTER" on November 13, 2008. However, there is no indication that the Examiner considered the lett4er filed on November 13, 2008.

Accordingly, it is

ORDERED that the application is being electronically returned to the

Examiner:

- 1) to have a complete certified English translations for the Japanese Patent (JP5-68733) scanned into the record;
- 2) for consideration and proper response to the “LETTER” filed November 13, 2008; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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